

IAP13 Rec'd PCT/PTO 26 DEC 2006

001/010

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Date: December 26, 2006

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To:	Company:	Facsimile No:	Telephone No:
Mail Stop Missing Parts	Commissioner of Patents	1.571.273.8300	1.571.272.1757

From:	Toby H. Kusmer	Direct Phone:	617.535.4065
E-Mail:	tkusmer@mwe.com		
Sent By:	Cynthia Joseph	Direct Phone:	617.535.4111
Client/Matter/Tkpr:	38484-160/5496	Original to Follow by Mail:	No
<i>Number of Pages, Including Cover:</i>			

Re: In re Application of: David A. Brock, et al.  
 Serial No.: 10/556,097  
 Filing Date: June 3, 2004  
 Title: Automatic Identification Of Reagent Test Strips Using Reflectance Values  
 Docket No.: 38484-160 (BYRK-3)

**Message:**

Please enter the following Response to Notice of Missing Parts of October 23, 2006.

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE.**

Main Facsimile: 617.535.3800 Facsimile Operator: 617.535.4000

U.S. practice conducted through McDermott Will & Emery LLP.  
 28 State Street Boston, Massachusetts 02109-1775 Telephone: 617.535.4000

PAGE 1/10 \* RCVD AT 12/26/2006 1:29:46 PM [Eastern Standard Time] \* SVR:USPTO-EXRF-5/18 \* DNIS:2738300 \* CSID:1 617 535 3800 \* DURATION (mm:ss):01:28

DEC 26 2006

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Large Entity)Docket No.  
38484-160 (BYRK-3)

In Re Application Of: David A. Brock, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/556,097	June 3, 2004		23630		4662

Invention: AUTOMATIC IDENTIFICATION OF REAGENT TEST STRIPS USING REFLECTANCE VALUES

Mail Stop Missing PartsCOMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
October 23, 2006  
Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- Other (list):

DEC 26 2006

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Large Entity)Docket No.  
38484-160 (BYRK-3)

In Re Application Of:

David A. Brock, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/556,097	June 3, 2004		23630		4662

Invention: AUTOMATIC IDENTIFICATION OF REAGENT TEST STRIPS USING REFLECTANCE VALUES

TO THE COMMISSIONER FOR PATENTS:Mail Stop Missing Parts

The fee of \$130.00 is to be paid as follows:

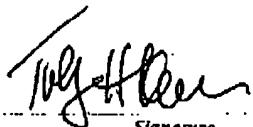
A check in the amount of the fee is enclosed.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 501133

If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 501133

Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



Signature

Dated: 12-26-06

Toby H. Kusner, P.C.  
Reg. No. 26,418  
McDermott Will & Emery LLP  
28 State Street  
Boston, MA 02109  
Telephone: 617-535-4065  
Facsimile: 617-535-3800  
e-mail: tkusner@mwe.com

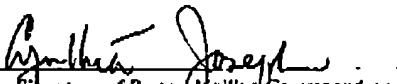
CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

December 26, 2006

(Date)

or by facsimile



Signature of Person Mailing Correspondence

Cynthia Joseph

Typed or Printed Name of Person Mailing Correspondence

 003/010

DEC 26 2006

<b>Response To Notice To File Missing Parts Of Application</b> <b>Filing Date Granted (PTO-1533)(Large Entity)</b>				Docket No. <b>38484-160 (BYRK-3)</b>	
<b>In Re Application Of:</b>		<b>David A. Brock, et al.</b>			
<b>Application No.</b>	<b>Filing Date</b>	<b>Examiner</b>	<b>Customer No.</b>	<b>Group Art Unit</b>	<b>Confirmation No.</b>
<b>10/556,097</b>	<b>June 3, 2004</b>		<b>23630</b>		<b>4662</b>
<b>Invention: AUTOMATIC IDENTIFICATION OF REAGENT TEST STRIPS USING REFLECTANCE VALUES</b>					
<u><b>TO THE COMMISSIONER FOR PATENTS:</b></u> <u><b>Mail Stop Missing Parts</b></u>					
<input checked="" type="checkbox"/> Completion of application fees as calculated below:					
<input type="checkbox"/> Utility application basic fee _____					
<input type="checkbox"/> Design application basic fee _____					
<input type="checkbox"/> Search Fee _____					
<input type="checkbox"/> Examination Fee _____					
<input type="checkbox"/> Total number of independent claims = _____					
<input type="checkbox"/> Total number of claims = _____					
<input type="checkbox"/> Multiple dependent claims _____					
<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath <b>\$130.00</b>					
<input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor _____					
<input type="checkbox"/> Fee for processing an application filed with a non-English language specification _____					
<input type="checkbox"/> Fee for processing and retention of application _____					
<b>007 LLANDGRA 00000035 501133 10556097</b>		<b>Total completion of application fees</b>		<b>\$130.00</b>	
<b>E17 130.00 DA</b>					
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.					
<input type="checkbox"/> One month <input type="checkbox"/> Two months <input type="checkbox"/> Three months <input type="checkbox"/> Four months <input type="checkbox"/> Five months					
<b>from:</b> _____			<b>until:</b> _____		
<b><i>Date</i></b>					
<b><i>Date</i></b>					
<b>Total time extension fees</b> _____					
<b>Total fees due</b> <b>\$130.00</b>					

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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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R. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/556,097	David A. Brock	38484-160 (BYRK-003)

INTERNATIONAL APPLICATION NO.
PCT/US04/17339

I.A. FILING DATE	PRIORITY DATE
06/03/2004	06/03/2003

023630  
MCDERMOTT WILL & EMERY LLP  
ATTN: INTELLECTUAL PROPERTY DEPARTMENT  
28 STATE STREET  
BOSTON, MA 02109

CONFIRMATION NO. 4662  
371 FORMALITIES LETTER



\*OC000000020924878\*

Date Mailed: 10/23/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 11/09/2005
- Copy of the International Search Report filed on 11/09/2005
- Copy of IPE Report filed on 11/09/2005
- Request for Immediate Examination filed on 11/09/2005
- U.S. Basic National Fees filed on 11/09/2005
- Priority Documents filed on 11/09/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

McDermott, Will & Emery LLP  
Re: BYRK-3  
Action Date: 10/23/06  
Action U.: Miss. P.A.T.S.  
Docketed By: B.R. Date: 10/26/06

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ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/556,097	PCT/US04/17339	38484-160 (BYRK-003)

FORM PCT/DO/EO/905 (371 Formalities Notice)

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